



The Scottish Parliament
Pàrlamaid na h-Alba

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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 3 September 2024

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Textphone: 0800 092 7100
Email: sp.info@parliament.scot

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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



dplr.committee@parliament.scot



0131 348 5212

Committee Membership



Stuart McMillan
Scottish National Party



Bill Kidd
Scottish National Party



Jeremy Balfour
Scottish Conservative
and Unionist Party



Foyso Choudhury
Scottish Labour



Tim Eagle
Scottish Conservative
and Unionist Party

Introduction

1. At its meeting on 3 September 2024ⁱ, the Committee considered the following instrument under its remit and agreed to draw it to the attention of the Parliament:
 - Valuation (Proposals Procedure) (Scotland) Amendment Regulations 2024 (SSI 2024/186).
2. The Committee's recommendation in relation to this instrument is set out in the next section of this report.
3. The Committee also determined that, in terms of its remit, it did not need to draw the Parliament's attention to the instruments at the end of the report.

ⁱ Foyso! Choudhury MSP submitted apologies for this meeting.

Scrutiny of instruments under the Committee's remit: instruments drawn to the attention of the Parliament

Valuation (Proposals Procedure) (Scotland) Amendment Regulations 2024 (SSI 2024/186)

4. This instrument deals with the procedures which apply to proposals to alter entries in the valuation roll.
5. Regulation 2(9), which inserts a new regulation 17ZA, is intended to set a deadline for making a proposal to amend an entry in the valuation roll on the basis that there is an error in that entry.
6. In [correspondence with the Scottish Government](#), the Committee queried whether section 17ZA(6) accurately reflects the policy intention because it sets a deadline for making a proposal by reference to the year in which that proposal is made. The effect is that the deadline is a rolling deadline, which does not appear to be the stated policy intention.
7. In its [response](#), the Scottish Government confirmed that regulation 2(9) does not operate as intended.
8. The Scottish Government advised that it will bring forward an amending instrument to address this issue at the next suitable opportunity, and in any event, well in advance of 31 March 2026, which is the intended cut-off date for making a proposal in relation to an error in an entry in the valuation roll currently in force.
9. The lead committee for this instrument is the Local Government, Housing and Planning Committee.

10. **The Committee draws this instrument to the attention of the Parliament on reporting ground (i) in that the instrument's drafting appears to be defective on account that regulation 2(9) does not operate as intended.**

11. **The Committee welcomes that the Scottish Government intends to address this problem by bringing forward amending regulations at the next suitable opportunity.**

No points raised

Criminal Justice Committee

Police Service of Scotland (Amendment) Regulations 2024 (SSI 2024/179)

- In relation to the above instrument, the Committee raised a [question with the Scottish Government](#).

Equalities, Human Rights and Civil Justice Committee

Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2024 (SSI 2023/178)

Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Appeal Court Rules 2021 Amendment) (United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024) 2024 (SSI 2024/195)

Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Protective Expenses Orders) 2024 (SSI 2024/196)

Act of Sederunt (Proceedings for Determination of Compatibility Questions Rules) 2024 (SSI 2024/197)

Local Government, Housing and Planning Committee

Valuation Timetable (Scotland) Amendment Order 2024 (SSI 2024/192)

Net Zero, Energy and Transport Committee

Waste (Materials Facilities) (Scotland) Regulations 2024 (SSI 2024/191)

